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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Azerbaijan,* Bangladesh,* Belgium, Egypt,† El Salvador, Fiji,* Germany, Haiti,* Iceland,* Luxembourg,* Maldives,* Netherlands, Panama, Paraguay, Peru,* Philippines, Portugal, Romania,* Sweden,* the former Yugoslav Republic of Macedonia,* Viet Nam,* State of Palestine:* draft resolution

35/... Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impact,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[2]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of Arab States.

[1] General Assembly resolution 70/1.

[2] FCCC/CP/2010/7/Add.1, decision 1/CP.16.

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Paris Agreement adopted under the Convention,[3] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and further acknowledging that article 2, paragraph 2, of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016–2020 workplan, to take into consideration cross-cutting issues such as gender-responsiveness, human rights and indigenous peoples' knowledge,[4]

Noting also the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and traditional knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of human rights enshrined in the Universal Declaration of Human Rights,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

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[3] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

[4] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

Recognizing that children, particularly migrant children and children displaced across international borders in the context of the adverse impacts of climate change, are among the groups most vulnerable to the adverse impacts of climate change, which may seriously affect their enjoyment of the highest attainable standard of physical and mental health, access to education, adequate food, adequate housing, safe drinking water and sanitation,

Expressing concern that countries lacking the resources for implementing their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Welcoming the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, which acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Welcoming the entry into force of the Paris Agreement, and urging parties that have not already done so to ratify the Paris Agreement and the Doha amendment to the Kyoto Protocol,

Welcoming also the establishment of the Task Force on Displacement by the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts established under the United Nations Framework Convention on Climate Change,

Welcoming further the holding of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be organized by Fiji in Bonn, Germany, in November 2017,

Affirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Taking note of General Assembly resolution 71/1 of 19 September 2016, in which the Assembly adopted the New York Declaration for Refugees and Migrants and the annexes thereto, and Assembly resolution 71/280 of 6 April 2017, in which it adopted the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration,

Recognizing the particular vulnerabilities of migrants and other non-nationals who may face challenges associated with implementing appropriate responses in extreme weather conditions owing to their status and who may have limited access to information and services, resulting in barriers to the full enjoyment of their human rights,

Welcoming the convening at the thirty-fourth session of the Human Rights Council of the panel discussion on the adverse impacts of climate change on States' efforts to realize the rights of the child and related policies, lessons learned and good practices, and

taking note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[5]

Taking note of the analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child prepared by the Office of the High Commissioner pursuant to Human Rights Council resolution 32/33 of 1 July 2016,[6]

Emphasizing that climate change affects some children more than other children, including children with disabilities, children on the move, children living in poverty, children separated from their families and indigenous children,

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect, and/or respect, as would be appropriate, the rights and best interests of children, when taking action to address the adverse effects of climate change,

Calling upon States to integrate, as appropriate, human rights in their climate actions at all levels, including their national action plans for climate change adaption and mitigation,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[7]

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and also emphasizing that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the highest possible adaptation and mitigation efforts in order to minimize the adverse impacts of climate change on present and future generations,

Noting the establishment and the work of the Climate Vulnerable Forum, and its communiqué, which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting also the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting further the establishment and work of regional and subregional initiatives on climate change,

Noting the work of the State-led Platform on Disaster Displacement and its efforts to follow up on the Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, endorsed by more than 100 States on 13 October 2015, and the Migrants in Countries in Crisis Initiative and its voluntary Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster,

Noting also the work being undertaken in the context of the adverse impacts climate change by international organizations and relevant United Nations agencies and bodies,

[5] A/HRC/35/14.
[6] A/HRC/35/13.
[7] A/HRC/31/52.

including the Migration, Environment and Climate Change Division in the International Organization for Migration and Climate Change and Disaster Displacement Unit in the Office of the United Nations High Commissioner on Refugees,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change impacts for all, particularly in developing countries and the people whose situation is most vulnerable to climate change, including migrants and persons displaced across international borders in the context of the adverse impacts of climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls* upon all States to adopt a comprehensive and integrated approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impacts and challenges that climate change represents, for the full and effective enjoyment of human rights for all;

5. *Encourages* the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations agencies with appropriate expertise to provide technical assistance to States, upon their request, to help to better promote and protect human rights when taking action to address the adverse impacts of climate change;

6. *Calls upon* States to continue and enhance international cooperation and assistance for adaptation measures to help developing countries, especially those that are particularly vulnerable to the adverse effects of climate change as well as persons in vulnerable situations, including migrants and persons displaced across international borders in the context of the adverse impacts of climate change;

7. *Notes* the urgency of protecting and promoting human rights of migrants and persons displaced across international borders, in the context of the adverse impacts of climate change, including those from small island developing states and least developed countries;

8. *Also notes* that paragraph 13 of annex II to the New York Declaration for Refugees and Migrants envisages contributions to the process for the global compact on safe, orderly and regular migration from, among other international agencies, the Office of the United Nations High Commissioner for Human Rights;

9. *Recognizes* that climate change-related human mobility and human rights are cross-cutting in nature;

10. *Decides* to incorporate into the programme of work of the Human Rights Council, on the basis of the different elements contained in the present resolution, an intersessional panel discussion, and requests the Office of the United Nations High Commissioner for Human Rights to organize an intersessional panel discussion prior to the commencement of phase II of the intergovernmental process leading to the global compact on safe, orderly and regular migration, with the theme "Human rights, climate change, migrants and persons displaced across international borders", focusing on challenges and opportunities in the promotion, protection and fulfilment of human rights of migrants and persons displaced across international borders in the context of the adverse impacts of climate change, and invites the participation of States, the Office of the High Commissioner

and other relevant United Nations agencies, relevant special procedures of the Human Rights Council as well as other relevant bodies such as the subsidiary bodies and constituent mechanisms, including the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts of the United Nations Framework Convention on Climate Change, the United Nations Environment Programme, the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and the World Meteorological Organization, as well as other relevant stakeholders with appropriate expertise, including national human rights institutions;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the appropriate mechanisms sufficiently in advance to ensure that it feeds into the stocktaking meeting of the preparatory process leading to the adoption of the global compact on safe, orderly and regular migration and to the work of the Warsaw International Mechanism for Loss and Damage, particularly to the ongoing work of the Task Force on Displacement under the United Nations Framework Convention on Climate Change, noting the potential of the panel discussion to inform these processes, and to submit the summary report also to the Human Rights Council at its thirty-seventh session;

12. *Also requests* the Office of the United Nations High Commissioner for Human Rights to undertake research on addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the sudden onset and slow onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps and submit a report on the research to the Human Rights Council at its thirty-eighth session;

13. *Invites* the special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

14. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impacts of climate change on the full and effective enjoyment of human rights, particularly the human rights of migrants and persons displaced across international borders in the context of the adverse impacts of climate change, within their respective mandates;

15. *Calls upon* States to integrate a gender perspective in pursuing mitigation and adaptation responses to the adverse impact of climate change on the full and effective enjoyment of human rights, including those of migrants and persons displaced across international borders in the context of the adverse impacts of climate change;

16. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

17. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

18. *Decides* to remain seized of the matter.